Page 1

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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KEITH TURNER,

Plaintiff,

-against-

Index No. 06 CV 1910

NYU HOSPITALS CENTER, NYU MEDICAL CENTER, NYU SCHOOL OF MEDICINE, AND NYU HEALTH SYSTEM,

Defendants.

One Battery Park Plaza New York, New York

November 29, 2006 10:00 a.m.

DEPOSITION OF UDEL DeGAZON, a witness produced on behalf of the Defendants herein, taken by the attorney for the Plaintiff pursuant to Subpoena at the above-stated time, place and date before Debra Bonavisa, a Notary Public of the State of New York.

\*

1	Page 6		Page 8
-	Udel DeGazon 6	1	Udel DeGazon 8
2	so and I will rephrase it. We will probably be here	2	Q And you separated from NYU in 2005?
3	most of the day. If you need a break, say so. We	3	A Yes, sir.
4	will probably take a lunch break. Let me know when	4	MR. GOLDBERG: We will mark as
5	you feel you need to eat lunch.	5	Exhibit number 87 Bates number N0336.
6	Let's move on. Your name is Udel	6	(At this time the above referred to
7	DeGazon, correct?	7	document was marked as Plaintiff's Exhibit
8	A Yes, sir.	8	87 for identification, as of this date.)
9	Q You are a former employee of NYU,	9	Q I show you Exhibit number 87. Is that
10	correct?	10	a memo that you submitted to NYU regarding your
11	A Yes, sir.	11	separation from NYU?
12	Q You worked for NYU for many years?	12	A That is correct.
13	A Yes, sir.	13	Q Is that your signature on the memo?
14	Q You were hired in August 1966, is that	14	A Yes, sir.
15	right?	15	Q So you gave NYU notice in April of '05
16	A That's correct.	16	of your intention to retire in May of '05, correct?
17	Q Okay.	17	A Yes, sir.
18	MR. GOLDBERG: We will mark as	18	Q And your letter was fairly precise in
19	Exhibit number 86, Bates N0539.	19	terms of stating that you had worked at NYU for
20	(At this time the above referred to	20	thirty-eight years and eight months, correct?
21	document was marked as Plaintiff's Exhibit	21	A Yes, sir.
22	86 for identification, as of this date.)	22	Q Over your thirty-eight year career at
23	Q NYU produced many documents and some	23	NYU, did you feel it was important to be precise in
24	of them I will show you today. I've already marked	24	your communications?
25	eighty-five exhibits before I took your deposition	25	MR. SHAPIRO: Objection to form.
	Page 7		Page 9
1	Udel DeGazon 7	1	Udel DeGazon 9
2	so when I show you Exhibits 1 to 85, they were		
1 4		2	Q You can answer questions that have
3	already marked at other depositions and I will just	2 3	Q You can answer questions that have those types of objections.
<b>f</b>	already marked at other depositions and I will just reuse them. Exhibit 86 onwards are documents that	3 4	Q You can answer questions that have those types of objections.  MR. SHAPIRO: I said objection to
3	already marked at other depositions and I will just reuse them. Exhibit 86 onwards are documents that I'm marking today, documents from your personnel file	3 4 5	Q You can answer questions that have those types of objections.  MR. SHAPIRO: I said objection to form. Every now and then I will make an
3 4 5 6	already marked at other depositions and I will just reuse them. Exhibit 86 onwards are documents that I'm marking today, documents from your personnel file that were of interest to me. One of those is	3 4 5 6	Q You can answer questions that have those types of objections.  MR. SHAPIRO: I said objection to form. Every now and then I will make an objection to form. Unless I tell you don't
3 4 5 6 7	already marked at other depositions and I will just reuse them. Exhibit 86 onwards are documents that I'm marking today, documents from your personnel file that were of interest to me. One of those is Exhibit 86 which says you were hired in August of	3 4 5 6 7	Q You can answer questions that have those types of objections.  MR. SHAPIRO: I said objection to form. Every now and then I will make an objection to form. Unless I tell you don't answer, you can go ahead and answer.
3 4 5 6 7 8	already marked at other depositions and I will just reuse them. Exhibit 86 onwards are documents that I'm marking today, documents from your personnel file that were of interest to me. One of those is Exhibit 86 which says you were hired in August of '66 as a training manager, is that accurate?	3 4 5 6 7 8	Q You can answer questions that have those types of objections.  MR. SHAPIRO: I said objection to form. Every now and then I will make an objection to form. Unless I tell you don't answer, you can go ahead and answer.  Q Was it important to you at NYU to be
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3 4 5 6 7 8 9 10 11	already marked at other depositions and I will just reuse them. Exhibit 86 onwards are documents that I'm marking today, documents from your personnel file that were of interest to me. One of those is Exhibit 86 which says you were hired in August of '66 as a training manager, is that accurate?  A No, sir.  Q Okay. What was your position when you were hired by NYU?	3 4 5 6 7 8 9 10	Q You can answer questions that have those types of objections.  MR. SHAPIRO: I said objection to form. Every now and then I will make an objection to form. Unless I tell you don't answer, you can go ahead and answer.  Q Was it important to you at NYU to be precise in your communications?  A Yes.  Q Whether those communications were
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3 4 5 6 7 8 9 10 11 12 13 14 15	already marked at other depositions and I will just reuse them. Exhibit 86 onwards are documents that I'm marking today, documents from your personnel file that were of interest to me. One of those is Exhibit 86 which says you were hired in August of '66 as a training manager, is that accurate?  A No, sir.  Q Okay. What was your position when you were hired by NYU?  A Supervisor.  Q So you were not hired as a training manager in August of '66, is that right?  A Yes, sir, that's correct.	3 4 5 6 7 8 9 10 11 12 13 14 15	Q You can answer questions that have those types of objections.  MR. SHAPIRO: I said objection to form. Every now and then I will make an objection to form. Unless I tell you don't answer, you can go ahead and answer.  Q Was it important to you at NYU to be precise in your communications?  A Yes.  Q Whether those communications were written or verbal, it was important to you to be precise when you communicated?  A Yes.  Q Was it also important to you to have
3 4 5 6 7 8 9 10 11 12 13 14 15 16	already marked at other depositions and I will just reuse them. Exhibit 86 onwards are documents that I'm marking today, documents from your personnel file that were of interest to me. One of those is Exhibit 86 which says you were hired in August of '66 as a training manager, is that accurate?  A No, sir.  Q Okay. What was your position when you were hired by NYU?  A Supervisor.  Q So you were not hired as a training manager in August of '66, is that right?  A Yes, sir, that's correct.  Q Did you ever meet someone named Judith	3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q You can answer questions that have those types of objections.  MR. SHAPIRO: I said objection to form. Every now and then I will make an objection to form. Unless I tell you don't answer, you can go ahead and answer.  Q Was it important to you at NYU to be precise in your communications?  A Yes.  Q Whether those communications were written or verbal, it was important to you to be precise when you communicated?  A Yes.  Q Was it also important to you to have your subordinates be precise when they communicated
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	already marked at other depositions and I will just reuse them. Exhibit 86 onwards are documents that I'm marking today, documents from your personnel file that were of interest to me. One of those is Exhibit 86 which says you were hired in August of '66 as a training manager, is that accurate?  A No, sir.  Q Okay. What was your position when you were hired by NYU?  A Supervisor.  Q So you were not hired as a training manager in August of '66, is that right?  A Yes, sir, that's correct.  Q Did you ever meet someone named Judith B. Goodman at NYU?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q You can answer questions that have those types of objections.  MR. SHAPIRO: I said objection to form. Every now and then I will make an objection to form. Unless I tell you don't answer, you can go ahead and answer.  Q Was it important to you at NYU to be precise in your communications?  A Yes.  Q Whether those communications were written or verbal, it was important to you to be precise when you communicated?  A Yes.  Q Was it also important to you to have your subordinates be precise when they communicated in written or verbal form?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	already marked at other depositions and I will just reuse them. Exhibit 86 onwards are documents that I'm marking today, documents from your personnel file that were of interest to me. One of those is Exhibit 86 which says you were hired in August of '66 as a training manager, is that accurate?  A No, sir.  Q Okay. What was your position when you were hired by NYU?  A Supervisor.  Q So you were not hired as a training manager in August of '66, is that right?  A Yes, sir, that's correct.  Q Did you ever meet someone named Judith B. Goodman at NYU?  A I don't recall that name, sir.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q You can answer questions that have those types of objections.  MR. SHAPIRO: I said objection to form. Every now and then I will make an objection to form. Unless I tell you don't answer, you can go ahead and answer.  Q Was it important to you at NYU to be precise in your communications?  A Yes.  Q Whether those communications were written or verbal, it was important to you to be precise when you communicated?  A Yes.  Q Was it also important to you to have your subordinates be precise when they communicated in written or verbal form?  A Yes, sir.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	already marked at other depositions and I will just reuse them. Exhibit 86 onwards are documents that I'm marking today, documents from your personnel file that were of interest to me. One of those is Exhibit 86 which says you were hired in August of '66 as a training manager, is that accurate?  A No, sir.  Q Okay. What was your position when you were hired by NYU?  A Supervisor.  Q So you were not hired as a training manager in August of '66, is that right?  A Yes, sir, that's correct.  Q Did you ever meet someone named Judith B. Goodman at NYU?  A I don't recall that name, sir.  Q So you were hired as a supervisor in	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q You can answer questions that have those types of objections.  MR. SHAPIRO: I said objection to form. Every now and then I will make an objection to form. Unless I tell you don't answer, you can go ahead and answer.  Q Was it important to you at NYU to be precise in your communications?  A Yes.  Q Whether those communications were written or verbal, it was important to you to be precise when you communicated?  A Yes.  Q Was it also important to you to have your subordinates be precise when they communicated in written or verbal form?  A Yes, sir.  Q Would that include correct spelling
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	already marked at other depositions and I will just reuse them. Exhibit 86 onwards are documents that I'm marking today, documents from your personnel file that were of interest to me. One of those is Exhibit 86 which says you were hired in August of '66 as a training manager, is that accurate?  A No, sir.  Q Okay. What was your position when you were hired by NYU?  A Supervisor.  Q So you were not hired as a training manager in August of '66, is that right?  A Yes, sir, that's correct.  Q Did you ever meet someone named Judith B. Goodman at NYU?  A I don't recall that name, sir.  Q So you were hired as a supervisor in 1966 and was it for the Department of Building	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q You can answer questions that have those types of objections.  MR. SHAPIRO: I said objection to form. Every now and then I will make an objection to form. Unless I tell you don't answer, you can go ahead and answer.  Q Was it important to you at NYU to be precise in your communications?  A Yes.  Q Whether those communications were written or verbal, it was important to you to be precise when you communicated?  A Yes.  Q Was it also important to you to have your subordinates be precise when they communicated in written or verbal form?  A Yes, sir.  Q Would that include correct spelling and grammar in memos and correspondence?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	already marked at other depositions and I will just reuse them. Exhibit 86 onwards are documents that I'm marking today, documents from your personnel file that were of interest to me. One of those is Exhibit 86 which says you were hired in August of '66 as a training manager, is that accurate?  A No, sir.  Q Okay. What was your position when you were hired by NYU?  A Supervisor.  Q So you were not hired as a training manager in August of '66, is that right?  A Yes, sir, that's correct.  Q Did you ever meet someone named Judith B. Goodman at NYU?  A I don't recall that name, sir.  Q So you were hired as a supervisor in 1966 and was it for the Department of Building Services?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q You can answer questions that have those types of objections.  MR. SHAPIRO: I said objection to form. Every now and then I will make an objection to form. Unless I tell you don't answer, you can go ahead and answer.  Q Was it important to you at NYU to be precise in your communications?  A Yes.  Q Whether those communications were written or verbal, it was important to you to be precise when you communicated?  A Yes.  Q Was it also important to you to have your subordinates be precise when they communicated in written or verbal form?  A Yes, sir.  Q Would that include correct spelling and grammar in memos and correspondence?  A Yes, sir.
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	already marked at other depositions and I will just reuse them. Exhibit 86 onwards are documents that I'm marking today, documents from your personnel file that were of interest to me. One of those is Exhibit 86 which says you were hired in August of '66 as a training manager, is that accurate?  A No, sir.  Q Okay. What was your position when you were hired by NYU?  A Supervisor.  Q So you were not hired as a training manager in August of '66, is that right?  A Yes, sir, that's correct.  Q Did you ever meet someone named Judith B. Goodman at NYU?  A I don't recall that name, sir.  Q So you were hired as a supervisor in 1966 and was it for the Department of Building Services?  A Yes, sir.  Q And you spent your entire career at	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q You can answer questions that have those types of objections.  MR. SHAPIRO: I said objection to form. Every now and then I will make an objection to form. Unless I tell you don't answer, you can go ahead and answer.  Q Was it important to you at NYU to be precise in your communications?  A Yes.  Q Whether those communications were written or verbal, it was important to you to be precise when you communicated?  A Yes.  Q Was it also important to you to have your subordinates be precise when they communicated in written or verbal form?  A Yes, sir.  Q Would that include correct spelling and grammar in memos and correspondence?  A Yes, sir.  Q Now while you were at NYU did you obtain a college degree?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	already marked at other depositions and I will just reuse them. Exhibit 86 onwards are documents that I'm marking today, documents from your personnel file that were of interest to me. One of those is Exhibit 86 which says you were hired in August of '66 as a training manager, is that accurate?  A No, sir.  Q Okay. What was your position when you were hired by NYU?  A Supervisor.  Q So you were not hired as a training manager in August of '66, is that right?  A Yes, sir, that's correct.  Q Did you ever meet someone named Judith B. Goodman at NYU?  A I don't recall that name, sir.  Q So you were hired as a supervisor in 1966 and was it for the Department of Building Services?  A Yes, sir.  Q And you spent your entire career at	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q You can answer questions that have those types of objections.  MR. SHAPIRO: I said objection to form. Every now and then I will make an objection to form. Unless I tell you don't answer, you can go ahead and answer.  Q Was it important to you at NYU to be precise in your communications?  A Yes.  Q Whether those communications were written or verbal, it was important to you to be precise when you communicated?  A Yes.  Q Was it also important to you to have your subordinates be precise when they communicated in written or verbal form?  A Yes, sir.  Q Would that include correct spelling and grammar in memos and correspondence?  A Yes, sir.  Q Now while you were at NYU did you obtain a college degree?

1 Udel DeGazon 10 2 A Yes, sir. 3 MR, GGLDBERG: We will mark as 4 Eshibit number 88, Bates number NO557. (At this time the above referred to document was marked as Plaintiffs Eshibit 37 8 8 for identification, as of this date.) 8 Q Can you identify 88 as a copy of the diploma you received from NYU in 1986? 10 A That's correct, sir. 11 Q As a result of being an employee of NYU, of that either climinate or lessen the tuition 13 you had to pay to get your degree? 11 A Tuition remission at that time. 12 A We paid just a registration fee. 13 Q And that was a benefit of being an NYU employee? 14 A We paid just a registration fee. 15 Q And that was a benefit of being an NYU employee? 16 A Yes, sir. Q As of 2004 when Mr. Turner's employment 12 Udel DeGazon 13 Director. A director hadrit been chosen on that date when Mr. Morelos separated. 15 Q As of 2004 when Mr. Turner's employment 12 There was policy where it was either 22 are duced or zero tuition 23 are duced on you know, what the policy was in terms of children going to NYU? 14 A Tourit know, sir. 15 Q There was a policy where it was either 22 are or reduced futition? 16 A There was policy where it was either 22 are or reduced futition? 17 A I don't know, sir. 18 Q A though you said there was some policy in place? 19 A There was policy where it was either 22 are or reduced futition? 20 A There was policy where it was either 22 are or reduced futition? 21 Couldn't afford it, so the policy had changed as fair as it referred to me. 24 a fair as it referred to me. 25 again and then it became a benefit and of course 15 large from NYU, was your position Director of Building 24 the position of Associate Director of Building 25 Services for a period of time you were Associate Director of Building 24 the position of Associate Director of Building 25 Services? 20 Can you tell me when you first held 24 the position of Associate Director of Building 25 Services? 21 Director of Building 25 Services? 22 A Yes, sir. 23 Q Can you tell me when you first held 24 the position of Ass		Page 10		Page 12
A Yes, sir.  MR. GOLDBERG: We will mark as  MR. GOLDBERG: We w	1	Udel DeGazon 10	1	Udel DeGazon 12
MR. GOLDBERG: We will mark as Exhibit number 88, Bates number N0557. (At this time the above referred to document was marked as Plaintiff's Exhibit 88 for identification, as of this date.) Reference of diploma you received from NYU in 1986? Can you identify 88 as a copy of the diploma you received from NYU in 1986? A That's correct, sir. Can You identify 88 as a copy of the diploma you received from NYU in 1986? A That's correct, sir. Can You and to pay to get your degree? A Tution remission at that time. So you ended up not having to pay any had to pay to get your degree? A We paid just a registration fee. Can You and that was a benefit of being an NYU employee? A Yes, sir. Can And that was a benefit of being an NYU at either a reduced or zero tuition? Can You ded, do you know what the policy under which the children of employees could attend NYU at either a reduced or zero fution? A Yes, sir. Can A I don't know, sir. Can A I don't	1			
Exhibit number 88, Bates number N0557. (At this time the above referred to document was marked as Plaintiff's Exhibit 88 for identification, as of this date.)  Q Can you identify 88 as a copy of the diploma you received from NYU in 1986?  A That's correct, sir. Q As a result of being an employee of NYU, did that either eliminate or lessen the tuition you had to pay to get your degree?  A Tuition remission at that time. Q And that was a benefit of being an NYU anything for the degree?  A We poid just a registration fee. Q And that was a benefit of being an NYU anything for the degree?  A We poid just a registration fee. Q And that was a benefit of being an NYU are either a reduced or zero tuition?  A Yes, sir. Q As of 2004 when Mr. Turner's employment  Udel DeGazon  I Udel DeGazon I Udel DeGazon I Udel DeGazon I Udel DeGazon I Udel DeGazon I A Hon't know, sir. Q I thought you said there was some policy under devined terms of children going to NYU? A I don't know, sir. Q I thought you said there was some policy where it was either zero or reduced tuition? A There was, I was in graduate school at NYU when it was still a hundred percent tuition remission and then it became a benefit and of course. I a far as it referred to me. Q Okay. As of April of '05 when you separated from NYU, was your position Director of Building Services for a period of time you were Associate Director of Building Services? A Yes, sir. Q Prior to being Director of Building Services for a period of time you were Associate Director of Building Services? A Yes, sir. Q Prior to being Director of Building C Services for a period of time you were Associate Director of Building Services? A Yes, sir. Q Can you tell me when you first held the period of time you were Associate Director of Building the period of time you were associate Director of Building C Services for a period of time you were sale interim Director position prior to making you the Interim Director of Building Services? A Yes, sir. Q Can you tell me when you were Associate Director	ı		3	
5 (At this time the above referred to document was marked as Plaintiff's Exhibit 7 88 for identification, as of this date.) 7 (2) Did you have it in the 1990's? 8 for identification, as of this date.) 8 (2) Can you identify 88 as a copy of the diploma you received from NYU in 1980's 10 A Thar's correct, sir. 9 (2) So it's fair to say that in the 1990's you were Associate Director of Building Services and 11 then you were later promoted to Director of Building Services and 12 NYU, did that either eliminate or lessen the tuition 13 you had to pay to get your degree? 14 A Tution remission at that time. 15 Q So you ended up not having to pay 16 anything for the degree? 15 Q And that was a benefit of being an NYU 17 A We paid just a registration fee. 18 Q And that was a benefit of being an NYU 18 employee? 19 Q Did NYU also have a policy under which 19 the children of employees could attend NYU at either 21 Q Did NYU also have a policy under which 19 the children of employees could attend NYU at either 22 a reduced or zero tuition? 19 Q Pro work of them, and I don't know what you mean an Interim 19 Director. We didn't have a director 20 them, and I don't know what you mean an Interim 21 Director. Add interior. We didn't have a director 21 them, and I don't know what you mean an Interim 21 Director. Add interior. Add interior to the many of them, and I don't know what you mean an Interim 21 Director. Add interior. Add interior to them, and I don't know, sir. 20 (2) If NYU ended, do you know what the policy was in terms of children going to NYU? 21 at NYU ended, do you know what the policy was in graduate school at NYU when it was still a hundred percent tuition 21 troubled to find the policy was in graduate school at NYU when it was still a hundred percent tuition 22 trace for you as Interim Director, would you doubt 24 for you as in graduate school at NYU when it was still a hundred percent tuition 25 through the policy was in graduate school at NYU when it was still a hundred percent tuition 26 through the policy w	1		4	
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Q Can you identify 88 as a copy of the diploma you received from NYU in 1986?  A That's correct, sir. Q As a result of being an employee of NYU, in 1986?  NYU, did that either eliminate or lessen the tuition you had to pay to get your degree?  A Tuition remission at that time. So you ended up not having to pay anything for the degree?  A We paid just a registration fee. Q And that was a benefit of being an NYU enployee?  A Yes, sir. Q Did NYU also have a policy under which the children of employees could attend NYU at either a reduced or zero tuition? A Yes, sir. Q As of 2004 when Mr. Turner's employment  Page 11  Udel DeGazon II terms of children going to NYU? A I don't know, sir. Q There was a policy where it was either zero reduced tuition? A I don't know, sir. Q There was a policy where it was either zero reduced to reduced or zero tuition? A I I don't know, sir. Q There was a policy where it was either zero reduced tuition? A There was, I was in graduate school at NYU when it was still a hundred percent tuition remission and then it became a benefit and of course far as it referred to me. Q Okay. As of April of '05 when you seprated. The policy in place? A Yes, sir. Q Did NYU, was your position Director of Building Services? A Yes, sir. Q There was a policy more it was either zero reduced tuition? A There was, I was in graduate school at NYU when it was still a hundred percent tuition remission and then it became a benefit and of course far as it referred to me. Q Okay. As of April of '05 when you seprated. Policy in place? A Yes, sir. Q Prior to being Director of Building Services? A Yes, sir. Q Prior to being Director of Building Services? A Yes, sir. Q Can you tell me when you first held the policy where the policy had changed as far as it referred to me. Q Okay. As of April of '05 when you in the literion of Associate Director of Building Services? A Yes, sir. Q Can you tell me vhen you first held the policy was in the time to you were Associate Director of Building Services? A Yes, sir. Q A Yes, sir.	į.		7	
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15 anything for the degree?  7 A We paid just a registration fee. Q And that was a benefit of being an NYU 18 employee? 20 A Yes, sir. 21 Q Did NYU also have a policy under which the children of employees could attend NYU at either a reduced or zero tutition? 24 A Yes, sir. Q As of 2004 when Mr. Turner's employment 25 Q There was a policy was in terms of children going to NYU? 26 A I don't know, winch the policy was in terms of children going to NYU? 27 A I don't know what the policy was in terms of children going to NYU? 28 A I don't know when the policy was in terms of children going to NYU? 30 As of 2004 when Mr. Turner's employment to the policy in place? 31 A I don't know what you mean an Interim Director. A director hadn't been chosen on that date when Mr. Morelos separated. 32 Q If NYU has produced documents that refer to you as Interim Director, would you doubt to the policy was in terms of children going to NYU? 31 A I don't know what the policy when lit was critten to preced to the policy when with the policy was in terms of children going to NYU? 4 A I don't know what you mean an Interim Director. A director hadn't been chosen on that date when Mr. Morelos separated. 31 Cy and the when Mr. Turner's employment to the policy when Mr. Morelos separated. 32 I when Mr. Morelos separated. 33 Q If NYU has produced documents that refer to you as Interim Director, would you doubt to rems of children going to NYU? 4 A I don't know what the policy when it was critten to the policy when with the policy was in the frem of the when Mr. Morelos separated. 34 A I don't know what the was director then when Mr. Morelos separated. 35 Q There was a policy when it was critten to the policy was in the policy in place? 36 Q There was a policy when it was still a hundred percent tuition the policy in place? 39 policy in place? 30	1		14	
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Q Did NYU also have a policy under which the children of employees could attend NYU at either a reduced or zero tuition?  A Yes, sir. Q As of 2004 when Mr. Turner's employment  Page 11  Udel DeGazon 11  t NYU ended, do you know what the policy was in terms of children going to NYU?  A I don't know, sir. Q There was a policy where it was either zero or reduced tuition?  A I don't know, sir. Q I thought you said there was some policy in place?  A There was, I was in graduate school at NYU when it was still a hundred percent tuition remission and then it became a benefit and of course far as it referred to me.  A Yes, sir. Q Okay. As of April of '05 when you separated from NYU, was your position Director of Building Services? A Yes, sir. Q Can you tell me when you first held the policy united by the position of Associate Director of Building  A Yes, sir. Q Can you tell me when you first held the position of Associate Director of Building  Director. A director hadn't been chosen on that date when Mr. Morelos separated. Q If NYU has produced documents that refer to you as Interim Director, would you doubt NYU's records changing your title from Associate  Page 13  Director: A director hadn't been chosen on that date when Mr. Morelos separated. Q If NYU has produced documents that refer to you as Interim Director, would you doubt NYU's records changing your title from Associate  Page 13  Director to Interim Director to Director?  A I wouldn't doubt it, sir.  MR. GOLDBERG: We will mark as Exhibit number 89 Bates numbers N0373 through N0374.  (At this time the above referred to document was marked Plaintiff's Exhibit 89 for identification, as of this date.)  Q Mr. DeGazon, NYU produced a lot of documents in this case, one of them is called Confidential Personnel Profile. It's a form and 11 Language and 11 Language and 12 Language and 12 Language and 12 Language and 13 Language and 14 Language a	}		20	then, and I don't know what you mean an Interim
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	Page 26		Page 28
1	Udel DeGazon 26	1	Udel DeGazon 28
2	A Yes, sir.	2	sought that position of Director of Building
3	Q You know he's Philippino?	3	Services?
4	A Yes, sir.	4	A Twice.
5	Q You know he's a former employee of	5	Q So you sought it once when Mr. Morelos
6	NYU?	6	was hired prior to him being hired, correct?
7	A Yes, sir.	7	A Correct, sir.
8	Q You recall that he joined NYU in or	8	Q Was there an occasion prior to that
9	about 2001?	9	when you sought it as well?
10	A I don't know exactly when he joined.	10	A Twice.
11	Q Would it be fair to say he joined NYU	11	Q What was the second occasion?
12	many years after you did?	12	A The second one was Mr. Morelos, before
13	A That's fair to say, sir.	13	he came, and the first one was before Mr. Chodrow
14	Q He had been the Director of Building	14	came.
15	Services during his employment at NYU, correct?	15	Q There were two occasions that you
16	A That's correct, sir.	16	sought the position and didn't get it?
17	Q As such he had authority to hire and	17	A That's correct, sir.
18	fire?	18	Q Do you recall that Mr. Morelos hired
19	A Correct, sir.	19	Bozena Sutowski?
20	Q When Mr. Morelos joined NYU, you were	20	A Yes.
21	already at NYU for many years as was Miss Pineda,	21	Q Do you recall that Mr. Morelos hired
22	correct?	22	Keith Turner?
23	A Correct, sir.	23	A Yes.
24	Q As was a gentleman named Robert	24	Q Do you know that Mr. Morelos hired
25	Stephen, correct?	25	Corie Fromkin?
	Page 27		Page 29
1	Udel DeGazon 27	1	Udel DeGazon 29
2	A Correct, sir.	2	A Yes, sir.
3	Q When Mr. Morelos was at NYU and he was	3	Q You know all three of those individuals,
4	Director of Building Services, when he was hired you	4	correct?
5	were Associate Director of Building Services and	5	A Yes, sir.
6	Miss Pineda was the Operations Manager at the time,	6	Q And you know Keith Turner is sitting
7	correct?	7	next to me in this room, right?
8	A Correct, sir.	8	A Right, sir.
9	Q Mr. Morelos was your boss and	9	Q Do you recall that on April 30th, 2004
10	therefore Miss Pineda's boss as well, correct?	10	NYU terminated the employment of Mr. Morelos?
11	A Correct, sir.	11	A I don't know what date it was.
12	Q Before Mr. Morelos was hired as	12	Q Do you recall that there was a date in
13	Director of Building Services, did you seek that	13	2004 when you found out that NYU had terminated the
14	position?	1.4	employment of Mr. Morelos?
15	A Yes, sir.	15	A Yes, sir.
16	Q Did you apply for that position	16	Q And I have shown you documents
17	internally at NYU?	17	indicating that you then became the Interim Director
18	A Yes, sir.	18	of Building Services?
19	Q And you were denied the position,	19	A Yes, sir.
20	correct?	20	Q You got that position once Mr. Morelos
21	A Correct, sir.	21	was let go by NYU, correct?
22	Q Who denied you the position, was it	22	A Correct sir.
23	Mr. Harney or someone else?	23	Q In June of '04 you were made the
24	A I don't know, sir. Q Were there multiple occasions when you	24 25	Director of Building Services?  A Correct, sir.
25			

1 Udel DeGazon 30 2 Q You promoted Miss Pineda to Associate 3 Director once you became the Director, correct? 4 A Correct, sir. 5 Q You promoted Robert Stephen from 6 Supervisor of Building Services to Manager of 7 Building Services, correct? 7 A No, sir. 8 A Correct, sir. 9 Q Miss Pineda testified yesterday that 10 she made a complaint to John Harney about Mr. Morelos. 11 Did you also make a complaint to Mr. 12 Harney about Mr. Morelos? 13 MR. SHAPIRO: Objection to form. 14 A Yes, sir. 15 Q Did you make that complaint? 16 Was hired, you were happy with that? 17 A The lift of services in No. 18 A You were happy with that?	was American im? e not of Director of
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17 A I don't know. 17 A That's fine, sir, I was.	
18 Q Did you make that complaint in 2004? 18 Q When you were rejected and Mi	r. Morelos
19 A Yes, sir. 19 was hired, you were happy with that as we	
20 Q What did you tell Mr. Harney? 20 A Yes, sir.	
21 A I don't remember my exact words. 21 Q Did you ever complain to Huma	an
Q What was the gist of your complaint? 22 Resources about Mr. Morelos?	
23 A That there was tremendous turmoil in 23 A No, sir, not that I recall.	
24 our department. 24 Q Why did you pick Mr. Harney to	o make
25 Q You blamed Mr. Morelos for that? 25 your complaint to?	
Page 31	Page 33
1. Udel DeGazon 31 1 Udel DeGazon	33
2 A Yes, sir. 2 A He was the Director of Buildi	ing
3 MR. SHAPIRO: Objection to form. 3 Services, he was administration or in ch	
4 Q Anything else you recall conveying to 4 Q He was a higher level position	
5 Mr. Harney? 5 Director of Building Services?	
6 A No, sir. 6 A Yes, sir.	
7 Q Did you suggest to Mr. Harney that 7 Q Was he Mr. Morelos' boss?	
8 Mr. Morelos should be let go from NYU? 8 A Overall, yes.	ļ
9 A No, sir. 9 Q Was there someone directly a	ıbove Mr.
10 Q Did you have a proposed solution for 10 Morelos?	
11 the turmoil that you were telling Mr. Harney about? 11 A John Schlingheyde.	
12 A No, sir. 12 Q Was there someone above Mi	r.
13 Q You wanted to let Mr. Harney know 13 Schlingheyde?	
14 there was turmoil in the department and you blamed 14 A John Harney.	
15 Mr. Morelos for that? 15 Q Was there someone above Jol	hn Harney?
16 A Yes, sir. 16 A The CEO of the medical cent	•
17 Q How many years has Mr. Harney been at 17 Q At the time that you stopped	
18 NYU? 18 at NYU, do you have a sense as to what	
19 A I don't know. 19 revenues were? Were they in the million	
20 Q Was he a long time employee like 20 A I have no idea.	•
21 yourself? 21 Q There were thousands of emp	oloyees at
22 A Yes, sir. 22 NYU?	
23 Q What is his race? 23 A Yes, sir.	
24 A Caucasian. 24 Q Did you document your comp	plaint to
Q What was the race of Mr. Chodrow? 25 Mr. Harney?	

	Page 42		Page 44
1	Udel DeGazon 42	1	Udel DeGazon 44
2	Turner from NYU?	2	A As much as possible.
3	A I did, sir.	3	Q Did you comply with the policies in
4	Q Was anyone else involved in that	4	that document?
5	decision?	5	A Yes, sir.
6	A No, sir.	6	Q Let me show you what was later marked
7	Q So the decision to hire Mr. Turner was	7	as Exhibit 32, which actually was I'm splitting it
8	made by Mr. Morelos and the decision to let Mr.	8	into two separate documents as per Mr. Shapiro's
9	Turner go from NYU was made by you, correct?	9	comments this morning. The first part I'm putting in
10	A Yes, sir.	10	front of you which is Bates numbers N0563 through
11	Q When did you make that decision to	11	N0578. Can you tell me if you are familiar with that
12	separate Mr. Turner from NYU?	12	material?
13	A I was asked to cut the budget. I don't	13	(Document handed.)
14	remember the date, I was asked to cut the budget	14	A I don't recall seeing this document.
15	and I had to eliminate, reduce staff, and at that	15	Q Okay. How about the second part of
16	point a decision was made. I don't know the dates,	16	Exhibit 32 which contains various Human Resources
17	I don't recall the dates.	1.7	policies and procedures from November of '03. Do you
18	Q Let me ask you some questions about	18	recall this material when you were at NYU?
19	Bozena Sutowski, but before I do, I want to make sure	19	Let me back up a step, let me ask you
20	I show you a lot of documents today. I hope I don't	20	another question. When you were at NYU were you
21	leave any out. Let me show you Exhibit 4. Do you see	21	generally familiar with the written policies that
22	that that's a performance evaluation for Mr. Turner	22	covered you and your department?
23	from 2003?	23	A Yes, sir.
24	(Document handed.)	24	Q Even if I show you documents today,
25	A Yes, sir.	25	two years later that you don't recall, when you were
	Page 43		Page 45
1	Udel DeGazon 43	1	Udel DeGazon 45
1 2	Udel DeGazon 43 Q Mr. Turner reported to Miss Pineda as	1 2	Udel DeGazon 45 at NYU you were generally familiar with the policies
1	Udel DeGazon 43 Q Mr. Turner reported to Miss Pineda as of 2003 and she reported to you and both of you	Ì	Udel DeGazon 45 at NYU you were generally familiar with the policies that applied to your area, correct?
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	Page 50	<u></u>	Page 52
1	Udel DeGazon 50	1.	Udel DeGazon 52
2	spelling from time to time?	2	quantity, good for attendance and fair for
3	A Yes, sir.	3	cooperation?
4	Q In your opinion did those problems	4	A As indicated.
5	render her unqualified to be at NYU?	5	Q And you knew that Miss Pineda had
6	A No, sir.	6	written on this document, unacceptable level of
7	Q Did it render her unqualified for any	7	performance?
8	of her positions?	8	A As indicated.
9	A No, sir.	9	Q And you knew that Miss Pineda had
10	Q Did you ever give her a warning for	10	checked the boxes for "no" to prevent NYU from hiring
11	her problem with her spelling?	11	Mr. Turner?
12	A No, sir.	12	A As indicated.
13	Q Let me show you what was marked as	13	Q And you approved all of that, correct,
1.4	Exhibit number 9, the Confidential Personnel Profile	14	sir?
15	for Keith Turner.	15	A Yes, sir.
16	(Document handed.)	16	Q So the only handwriting on this
17	Q You signed off on this document on the	17	document that belongs to you is your signature, Udel
18	bottom left-hand corner?	18	DeGazon, correct?
19	A Yes, sir.	19	A Yes, sir.
20	Q And the date that you signed this	20	Q And you knew that this document would
21	document, was it July 23rd of '04?	21	become part of Mr. Turner's personnel file, right?
22	A I don't know, sir.	22	MR. SHAPIRO: Objection to form.
23	Q Okay.	23	Q That's where it goes?
24	A It was typed.	24	MR. SHAPIRO: Objection to form.
25	Q The date is typed in, so you don't know	25	A Yes, sir.
	Page 51		Page 53
1	Udel DeGazon 51	1	Udel DeGazon 53
2	when you signed it?	2	Q So, Mr. DeGazon, once you signed off
3	A Yes,	3	on this document, which I gather occurred in August
4	Q You may have signed it after the fact?	4	after Miss Pineda filled it out, you knew this
5	A I may have signed it after the fact.	5	document would prevent NYU from ever rehiring Mr.
6	Q Miss Pineda said she filled out the	6	Turner, right?
7	information on this form on the right-hand side, the	7	MR. SHAPIRO: Objection to form.
8	termination. Did you sign this document after reading	8	A Yes, sir.
9	Miss Pineda's assessment in that document?	9	Q You did not allow NYU to rehire Mr.
10	A Yes, sir.	10	Turner, correct?
11	Q That was the procedure at NYU, right?	11	MR. SHAPIRO: Objection to form.
12	A Yes, sir.	12	A Correct, sir.
1.3	Q So if Miss Pineda did her work on	13	Q You felt that way the day Mr. Turner
14	August 3rd of '04, is it likely you signed the	1.4	was let go?
15	document after she did her work on the document?	15	A As indicated on the form, sir.
1.6	A That's correct, sir.	16	Q You felt that way in August of 2004
17	Q So the July 23rd, '04 date may very	17	for sure. Did you feel that way on June 14th of
18	well be wrong?	18	2004 when you advised Mr. Turner that his job was
19	A Yes, sir.	19	over?
20	Q When you signed off on this document,	20	A Yes, sir.
21	did you approve of the information that Miss Pineda	21	Q Did you feel that way about Mr. Turner
22	put on the form?	22	even before June 14, '04? At some point did you
23	A Yes, sir.	23	come to the conclusion that you wanted Mr. Turner
24	Q So you knew that Miss Pineda had given	24	it was time for him to leave NYU and you didn't want
25	Mr. Turner a score of fair for quality, poor for	25	to see him back?

	Page 74		Page 76
1	Udel DeGazon 74	1	Udel DeGazon 76
2	A I don't know, sir.	2	either, correct?
3	Q Did you ever make a comment to her,	3	A Correct, sir.
4	either in jest or seriously, about whether she	4	Q Let me ask you some questions about
5	believed in Christ?	5	Robert Stephen. His application for employment is
6	A No, sir.	6	marked as Exhibit 33 and he wrote on it, social
7	Q What is your religion?	7	contact, U. DeGazon. As you testified you referred
8	A Catholic.	8	him to NYU to seek employment, right?
9	Q That's the same religion as Miss Pineda,	9	MR. SHAPIRO: Objection to form.
10	correct?	10	A Correct, sir.
11	A I don't know, sir.	11	Q Did you look at his application for
12	Q Was it Mr. Harney who advised you that	12	employment when he applied for a job in '97? Were
13	Mr. Morelos had been let go by NYU?	13	you involved in that process with him?
14	A Yes, sir.	14	MR. SHAPIRO: Objection to form.
15	Q He was the one who let you know that	15	A Yes, sir.
16	you were now Interim Director?	16	Q Did you recommend him for employment
17	A Yes, sir.	17	to NYU?
18	Q Let's talk a little bit more about	18	A Yes, sir.
19	Corie Fromkin. I have a Confidential Personnel	19	Q He said that he knew you from, I think
20	Profile form for her that is not signed, but let me	20	he used the phrase, a cultural club or a culture club.
21	show it to you just to see if it's something you may	21	Can you tell me how you knew Mr. Stephen prior to
22	have seen even though it doesn't appear to have your	22	him joining NYU?
23	signature on it. Is that something that you've seen	23	A A club made up of St. Lucians.
24	before?	24	Q What was the name of the club?
25	A No, sir.	25	A Iyalona.
	Page 75		Page 77
1	Udel DeGazon 75	1	Udel DeGazon 77
2	Q Do you know whose handwriting is at	2	Q Can you spell that?
3	the top of the document?	3	A I-y-a-l-o-n-a.
4	A Yes, sir.	4	Q Does that word have any meaning?
5	Q Whose handwriting is that?	5	A Yes.
6	A Jackie Richards.	6	Q What does it mean?
7	Q Jacqueline Richards put together the	7	A It's Carib for St. Lucia, we are part
8	confidential profile form regarding Miss Fromkin's	8	Carib descendents.
9	separation from NYU?	9	Q So if Mr. Stephen applied to NYU in
10	MR. SHAPIRO: Objection to form.	10	'97, when do you think you first met him prior to '97;
11	A I don't know, sir.	11	would it have been '96, '95?
12	Q She certainly wrote on this document?	12	A I don't remember.
13	A Yes, sir.	13	Q So you knew him socially through this
14	Q So as far as you understood NYU says	14	club?
15	it discharged Miss Fromkin for cause, is that right,	15	A Yes, sir.  O The club was made up of St. Lucians?
16	as far as you understood?	16	Q The club was made up of St. Lucians?
17	A As far as I understood, sir.	17	A Yes, sir.
18	Q Her position was not eliminated, she	18	Q It was people who were from St. Lucia?
19	was simply fired for cause and she was replaced by	19 20	A Yes, sir.  Q When he applied for a job you also saw
20	Jacqueline Richards, right?	21	Q When he applied for a job you also saw I gather you saw his resume, Exhibit 34?
21	A That is correct, sir.	22	MR. SHAPIRO: Objection to form.
22	Q Likewise, NYU fired Miss Sutowski for	23	Q Did you see his resume as well when he
23	cause; that's your position, right?  A That's correct, sir.	24	applied for a job?
24 25		25	A Probably did, sir.
140	Q And her position was not eliminated	123	ii iioonoij uiu, oii.

	Page 110		Page 112
1	Udel DeGazon 110	1	Udel DeGazon 112
2	A I don't remember that, sir.	2	below market data and she recommended a raise for
3	O You let Mr. Turner go on June 14th of	3	him. Do you see that in her e-mail?
4	'04 allegedly to eliminate his position and save NYU	4	A Yes, sir.
5	money less than one month after this memo?	5	Q And it also recommended an increase to
6	MR. SHAPIRO: Objection to form.	6	the salary of Miss Pineda, correct?
7	A That's correct.	7	A If it shows that there, sir.
8	Q You have a memo in May seeking to	8	Q And it said if you're comfortable with
9	raise people's salaries and simultaneously you were	9	these recommendations put through the CPP, the
10	being asked to cut and save money, is that fair to	10	Confidential Personnel Profiles, did you do so to
11	say?	11	get raises for Ms. Pineda and Mr. Trujillo? If the
12	A Not fair to say, sir.	12	documents indicate that you put those forms in for
13	MR. SHAPIRO: Objection to form.	13	raises, then you don't dispute you did it, you just
14	Q What is the date that NYU asked you to	14	don't have the documents?
15	have some reduction in force in 2004?	15	A Yes, sir.
16	A When I became Director, I don't	16	Q Right. Now on the very same date that
17	remember the date.	17	you got the response from Miss Puskas, June 8th of
18	Q You became Interim Director on April	18	'04, you had a supervisors' meeting, isn't that true?
19	30th?	1.9	A I don't recall, sir.
20	A It was in May.	20	Q Let me show you Exhibit number 84. Is
21	Q In May you were asked to try to cut	21	that a two page document that you prepared?
22	some money where possible, right?	22	(Document handed.)
23	A I believe that's when it happened.	23	A Yes, sir.
24	Q In the same month you sent this e-mail	24	Q And Keith Turner's name is on the top
25	about salaries in your department, correct?	25	of that document; do you see that?
	Page 111		
	rade TII	ì	Page 113
,		1	
1	Udel DeGazon 111	1	Udel DeGazon 113
2	Udel DeGazon 111  A If the dates show that, sir.	2	Udel DeGazon 113 A Yes, sir.
2	Udel DeGazon 111  A If the dates show that, sir.  Q It does. And, in fact, on May 25th,	2	Udel DeGazon 113  A Yes, sir.  Q You gave this document to Mr. Turner,
2 3 4	Udel DeGazon 111  A If the dates show that, sir. Q It does. And, in fact, on May 25th, 2004 when you wrote this e-mail about management	2 3 4	Udel DeGazon 113  A Yes, sir.  Q You gave this document to Mr. Turner, right?
2 3 4 5	Udel DeGazon 111  A If the dates show that, sir. Q It does. And, in fact, on May 25th, 2004 when you wrote this e-mail about management salaries, Keith Turner was a member of the management	2 3 4 5	Udel DeGazon 113  A Yes, sir. Q You gave this document to Mr. Turner, right? A I don't know, sir.
2 3 4 5 6	Udel DeGazon 111  A If the dates show that, sir. Q It does. And, in fact, on May 25th, 2004 when you wrote this e-mail about management salaries, Keith Turner was a member of the management staff of the department, correct?	2 3 4	Udel DeGazon 113  A Yes, sir. Q You gave this document to Mr. Turner, right?  A I don't know, sir. Q Well, it's your handwriting?
2 3 4 5 6 7	Udel DeGazon 111  A If the dates show that, sir. Q It does. And, in fact, on May 25th, 2004 when you wrote this e-mail about management salaries, Keith Turner was a member of the management staff of the department, correct? A I assume that, sir.	2 3 4 5 6 7	Udel DeGazon 113  A Yes, sir. Q You gave this document to Mr. Turner, right?  A I don't know, sir. Q Well, it's your handwriting? A No, it's not, sir, this isn't.
2 3 4 5 6 7 8	Udel DeGazon 111  A If the dates show that, sir. Q It does. And, in fact, on May 25th, 2004 when you wrote this e-mail about management salaries, Keith Turner was a member of the management staff of the department, correct? A I assume that, sir. Q And Bozena Sutowski was a member of	2 3 4 5 6 7 8	Udel DeGazon 113  A Yes, sir. Q You gave this document to Mr. Turner, right?  A I don't know, sir. Q Well, it's your handwriting? A No, it's not, sir, this isn't. Q Well, the document other than the
2 3 4 5 6 7 8 9	Udel DeGazon 111  A If the dates show that, sir. Q It does. And, in fact, on May 25th, 2004 when you wrote this e-mail about management salaries, Keith Turner was a member of the management staff of the department, correct? A I assume that, sir. Q And Bozena Sutowski was a member of the management staff in the department as well,	2 3 4 5 6 7	Udel DeGazon 113  A Yes, sir. Q You gave this document to Mr. Turner, right?  A I don't know, sir. Q Well, it's your handwriting? A No, it's not, sir, this isn't. Q Well, the document other than the Keith Turner
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2 3 4 5 6 7 8 9 10 11 12 13	Udel DeGazon 111  A If the dates show that, sir. Q It does. And, in fact, on May 25th, 2004 when you wrote this e-mail about management salaries, Keith Turner was a member of the management staff of the department, correct? A I assume that, sir. Q And Bozena Sutowski was a member of the management staff in the department as well, right? A I would assume that, sir. Q And obviously since you generated this e-mail to Mitzi Puskas, you obviously had access to the salary information on the people in your	2 3 4 5 6 7 8 9 10 11 12 13	Udel DeGazon 113  A Yes, sir. Q You gave this document to Mr. Turner, right?  A I don't know, sir. Q Well, it's your handwriting? A No, it's not, sir, this isn't. Q Well, the document other than the Keith Turner MR. SHAPIRO: Mr. Turner. Q Do you know who wrote that? A I don't know, sir. Q Other than Mr. Turner at the top left-hand corner, the rest of the document is your
2 3 4 5 6 7 8 9 10 11 12 13 .14 15	Udel DeGazon 111  A If the dates show that, sir. Q It does. And, in fact, on May 25th, 2004 when you wrote this e-mail about management salaries, Keith Turner was a member of the management staff of the department, correct? A I assume that, sir. Q And Bozena Sutowski was a member of the management staff in the department as well, right? A I would assume that, sir. Q And obviously since you generated this e-mail to Mitzi Puskas, you obviously had access to the salary information on the people in your department, correct?	2 3 4 5 6 7 8 9 10 11 12	Udel DeGazon 113  A Yes, sir. Q You gave this document to Mr. Turner, right?  A I don't know, sir. Q Well, it's your handwriting? A No, it's not, sir, this isn't. Q Well, the document other than the Keith Turner MR. SHAPIRO: Mr. Turner. Q Do you know who wrote that? A I don't know, sir. Q Other than Mr. Turner at the top left-hand corner, the rest of the document is your handwriting?
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	Page 114		Page 116
1	Udel DeGazon 114	1	Udel DeGazon 116
2	to the meeting on June 8th, 2004 at 9:00 o'clock	2	A No, sir.
3	a.m.?	3	Q You don't know who wrote the word Mr.
4	A Supervisors?	4	Turner on the top?
5	Q Yes, who went to that meeting?	5	A No, sir.
6	A The supervisors.	6	Q Let's see if I understand your
7	Q Did you prepare this document?	7	testimony. There was a meeting June 8th of 2004 but
8	A If my memory serves me right, this	8	you don't have a list of who went to the meeting, is
9	document was prepared for the supervisors to make	9	that right?
10	them aware of how to go about supervising the 1199	10	A The document shows that, sir.
11	employees as part of it. I don't have it in front of	11	Q Do you recall who was at the meeting?
12	me to read, I don't remember everything that was	12	A No, sir.
13	written there by me.	13	Q Okay. You wrote this note for that
14	Q I don't see any reference you can	14	meeting?
15	look at the document.	15	A Yes, sir.
16	A Uh-huh.	16	Q Mr. Turner has a copy of it but you
17	Q Since you wrote it, I don't see any	17	don't have a list of who else has a copy of it, fair
18	reference to 1199 in your two page document. It's	1.8	to say?
19	entitled, it has the word Commitment on the first	19	A Fair to say, sir.
20	page.	20	Q You wrote, are you a coward?
21	A Yes, sir.	21	A That's written there, sir.
22	Q It ends with, are you a coward? Do you	22	Q Was that meant to be encouragement or
23	have any reason to deny that Mr. Turner was at this	23	a threat or something else?
24	meeting on June 8th, 2004?	24	MR. SHAPIRO: Objection to form.
25	A I have no proof of that, sir.	25	A No, sir.
	Page 115		Page 117
1	Udel DeGazon 115	1	Udel DeGazon 117
2	Q You have no reason to deny it either,	2	Q That to me seems rather intimidating.
3	correct, sir?	3	What was the intent of writing, are you a coward?
4	A No reason.	4	MR. SHAPIRO: Objection to form.
5	Q Since Mr. Turner produced this document,	5	A I don't remember what the words were
6	he obtained it from someone, correct? He got the	6	intended to send to the staff, but if my memory
7	document, right?	7	serves me right we were talking here about
8	A Right.	8	commitment to the department and we cannot be
9	Q And it's your handwriting?	9	cowards in doing our jobs because the phrase stands
10	A Right.	10	by itself without a sentence.
11	Q Okay. Did you personally distribute	11	Q Am I correct that prior to your
12	copies of this to the people who attended the	12	becoming Interim Director and then director you
1.3	meeting?	13	never issued a document like this to the staff?
14	A Maybe I did.	1.4	MR. SHAPIRO: Objection to form.
15	Q You just gave it to Keith Turner? Is	15	Q As an Associate Director you never
1.6	it possible you just gave it to him?	16	gave out a document that said, are you a coward?
17	A Only him?	17	A Fair to say.
18	Q Yes, I'm asking you.	18	MR. SHAPIRO: Objection to form.
19	A No, sir.	19	Q The first time you gave out a document
20	Q So you think you gave it to everyone?	20	like this was on June 8th of '04?
21	A Yes, sir.	21	A The record shows that, sir.
22	Q The identical document to everyone?	22	Q It says here, "Are you afraid to make
23	A Yes, sir.	23	your plans public?" Can you tell me what you meant
24	Q Do you have any proof that you gave	24	when you wrote that?
25	this to everybody at the meeting?	25	A I'm afraid I don't have the right

	Page 118		Page 120
1	Udel DeGazon 118	1	Udel DeGazon 120
2	frame of mind to remember what these sentences	2	A That we have to reduce staff and his
3	applied towards.	3	position was being eliminated.
4	Q Would it surprise you if Keith Turner,	4	Q Did you then refer him to Human
5	when he received a copy of this document, felt that	5	Resources to go see Mark Paruda?
6	this was an intimidating document coming from you?	6	A Yes, sir.
7	MR. SHAPIRO: Objection to form. He	7	Q So you understood that after he met
8	can't testify about what Mr. Turner's	8	with you, Mr. Turner went over to see Mark Paruda and
9	emotions were.	9	got this document?
10	Q Would it be reasonable in your opinion,	10	MR. SHAPIRO: Objection to form.
11	as a thirty-eight year employee of NYU and a manager	11	A The records show that, sir.
12	for many years, would it be reasonable for an	12	Q Before you advised Mr. Turner his job
13	employee to be intimidated by receiving a document	13	was ending, you had previously fired Miss Sutowski
14	from the head of the department that closes with the	14	that same day, correct?
15	phrase, are you a coward?	15	MR. SHAPIRO: Objection to form.
16	MR. SHAPIRO: Objection to form.	16	A Yes, sir.
17	<ul> <li>Q Could someone be intimidated by this?</li> </ul>	17	Q When you met with Miss Sutowski, was
18	MR. SHAPIRO: Objection to form.	18	Miss Pineda in the room?
19	A I have no idea, sir.	19	A Yes, sir.
20	Q Do you think that as Director or	20	Q What did you tell Miss Sutowski about
21	Interim Director it would be reasonable for an	21	the end of her job?
22	employee to be intimidated by you if you made	22	A The gist of it was, you did
23	statements that they felt were inappropriate?	23	unacceptable performance.
24	MR. SHAPIRO: Objection to form.	24	Q Did you also refer her to Human
25	A I don't know, I can't answer that,	25	Resources as well?
1			
	Page 119		Page 121
1	Page 119 Udel DeGazon 119	1	Udel DeGazon 121
1 2	Udel DeGazon 119 sir.	2	Udel DeGazon 121 A Yes, sir.
1	udel DeGazon 119 sir. Q Now let me show you Exhibit 85 which	2 3	Udel DeGazon 121 A Yes, sir. Q So you told Miss Sutowski that she was
2	Udel DeGazon 119 sir. Q Now let me show you Exhibit 85 which I believe are a package of materials that Mr. Turner	2 3 4	Udel DeGazon 121  A Yes, sir.  Q So you told Miss Sutowski that she was being fired for poor performance for cause, and you
2	Udel DeGazon  Sir.  Q Now let me show you Exhibit 85 which I believe are a package of materials that Mr. Turner received on the day he was informed his job was	2 3 4 5	Udel DeGazon 121  A Yes, sir.  Q So you told Miss Sutowski that she was being fired for poor performance for cause, and you told Mr. Turner he was being laid off due to the
2 3 4 5 6	Udel DeGazon  119  sir.  Q Now let me show you Exhibit 85 which I believe are a package of materials that Mr. Turner received on the day he was informed his job was ending. Can you tell me if you had seen any of those	2 3 4 5 6	Udel DeGazon  A Yes, sir.  Q So you told Miss Sutowski that she was being fired for poor performance for cause, and you told Mr. Turner he was being laid off due to the elimination of his position.
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1	Page 122		Page 124
1	Udel DeGazon 122	1.	Udel DeGazon 124
2	Turner, correct?	2	A I didn't ask.
3	A Correct, sir.	3	Q Okay. Now let me show you Exhibits 38
4	Q That's the last time you had seen	4	and 39. Are these two e-mails that you sent out on
5	Mr. Turner other than sitting in this deposition and	5	June 18th, 2004?
6	seeing him across the table, correct?	6	(Documents handed.)
7	A Correct, sir.	7	A I sent this e-mail, sir.
8	Q After you told Mr. Turner that he was	8	Q All right. And you sent Exhibit number
9	being let go for financial reasons, elimination of	9	39 as well?
10	his position, am I correct that you never contacted	10	A There's something odd about this e-mail,
11	Mr. Turner to rehire him or recall him for	1.1	sir.
12	reemployment at NYU, correct?	12	Q Miss Pineda and Mr. Stephen both
13	A Correct, sir.	13	received them and testified to that over the past
14	Q You never had anybody at NYU do that	14	two days. I am just asking you to verify you sent
15	for you?	15	these e-mails out since two witnesses both testified
16	A Correct, sir.	16	they got them?
17	Q And to your knowledge NYU never reached	17	MR. SHAPIRO: Don't worry about what
18	out to Mr. Turner to bring him back to NYU?	18	the other witnesses said. If you can say you
19	A I don't know, sir.	19	sent them, fine.
20	Q Mr. Turner never came back to NYU to	20	A These are interesting e-mails. I don't
21	work, as far as you know, after June 14th of '04,	21	even type like this, I don't even write like this.
22	correct?	22	Q In this deposition your attorney can
23	A Correct, sir.	23	ask you questions later. My questions to you are
24	Q With respect to Miss Sutowski, after	24	very, very simple. I've already questioned two other
25	you fired Miss Sutowski you never saw her again,	25	witnesses that reported to you about these exact
	Page 123		D 10F
	1490 120		Page 125
1	Udel DeGazon 123	1	Udel DeGazon 125
1 2		1 2	Udel DeGazon 125 documents, both said they got them. You sent these
ç	Udel DeGazon 123		Udel DeGazon 125
2	Udel DeGazon 123 correct?	2	Udel DeGazon 125 documents, both said they got them. You sent these two e-mails, correct, sir? If you didn't, it's your testimony.
2 3	Udel DeGazon 123  correct?  A Correct, sir.  Q And you never reached out to Miss  Sutowski to bring her back to NYU, either rehiring or	2 3	Udel DeGazon 125 documents, both said they got them. You sent these two e-mails, correct, sir? If you didn't, it's your testimony.  A Maybe I sent them, sir.
2 3 4 5 6	Udel DeGazon 123  correct?  A Correct, sir.  Q And you never reached out to Miss  Sutowski to bring her back to NYU, either rehiring or recalling her, correct?	2 3 4 5 6	Udel DeGazon 125 documents, both said they got them. You sent these two e-mails, correct, sir? If you didn't, it's your testimony.  A Maybe I sent them, sir.  Q Okay. Looking at these two e-mails,
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	correct?  A Correct, sir. Q And you never reached out to Miss Sutowski to bring her back to NYU, either rehiring or recalling her, correct? A Correct, sir. Q Am I correct you never had anyone at NYU reach out to Miss Sutowski to bring her back to NYU?  A I don't recall that, sir. Q To your knowledge that never happened? A Never happened to my knowledge. Q And if I were to show you, which I will, the organizational chart from June of '06 which postdates your retirement, you don't see Miss Sutowski and Mr. Turner in the chart, right, they are not there?  MR. SHAPIRO: Give him a chance to read that.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Udel DeGazon  documents, both said they got them. You sent these two e-mails, correct, sir? If you didn't, it's your testimony.  A Maybe I sent them, sir.  Q Okay. Looking at these two e-mails, the first one, which is Exhibit number 38, was from June 18th, 2004 at 5:52 a.m. You typically started your day rather early, 6:00 a.m. or 6:30 a.m.?  A 6:30 a.m.  Q It was typical for you to be at work early in the morning and I understand that the check-ins occurred early in the morning, is that right as well, the daily check-ins?  MR. SHAPIRO: Objection to form.  A What time?  Q Well, you tell me.  A The employees started work at 8:00 o'clock so the supervisor was required to start at 7:00 o'clock, start checking in the people.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 6 17 18 19 20 21	correct?  A Correct, sir. Q And you never reached out to Miss Sutowski to bring her back to NYU, either rehiring or recalling her, correct? A Correct, sir. Q Am I correct you never had anyone at NYU reach out to Miss Sutowski to bring her back to NYU? A I don't recall that, sir. Q To your knowledge that never happened? A Never happened to my knowledge. Q And if I were to show you, which I will, the organizational chart from June of '06 which postdates your retirement, you don't see Miss Sutowski and Mr. Turner in the chart, right, they are not there?  MR. SHAPIRO: Give him a chance to read that. A I don't see their names there, sir.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Udel DeGazon  documents, both said they got them. You sent these two e-mails, correct, sir? If you didn't, it's your testimony.  A Maybe I sent them, sir.  Q Okay. Looking at these two e-mails, the first one, which is Exhibit number 38, was from June 18th, 2004 at 5:52 a.m. You typically started your day rather early, 6:00 a.m. or 6:30 a.m.?  A 6:30 a.m.  Q It was typical for you to be at work early in the morning and I understand that the check-ins occurred early in the morning, is that right as well, the daily check-ins?  MR. SHAPIRO: Objection to form.  A What time?  Q Well, you tell me.  A The employees started work at 8:00 o'clock so the supervisor was required to start at 7:00 o'clock, start checking in the people.  Q In the first e-mail, Exhibit 38, June
2 3 4 5 6 7 8 9 10 11 2 13 14 15 6 17 18 19 20 1 22	correct?  A Correct, sir. Q And you never reached out to Miss Sutowski to bring her back to NYU, either rehiring or recalling her, correct? A Correct, sir. Q Am I correct you never had anyone at NYU reach out to Miss Sutowski to bring her back to NYU? A I don't recall that, sir. Q To your knowledge that never happened? A Never happened to my knowledge. Q And if I were to show you, which I will, the organizational chart from June of '06 which postdates your retirement, you don't see Miss Sutowski and Mr. Turner in the chart, right, they are not there?  MR. SHAPIRO: Give him a chance to read that. A I don't see their names there, sir. Q And, of course, Ms. Pineda and Mr.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Udel DeGazon  documents, both said they got them. You sent these two e-mails, correct, sir? If you didn't, it's your testimony.  A Maybe I sent them, sir.  Q Okay. Looking at these two e-mails, the first one, which is Exhibit number 38, was from June 18th, 2004 at 5:52 a.m. You typically started your day rather early, 6:00 a.m. or 6:30 a.m.?  A 6:30 a.m.  Q It was typical for you to be at work early in the morning and I understand that the check-ins occurred early in the morning, is that right as well, the daily check-ins?  MR. SHAPIRO: Objection to form.  A What time?  Q Well, you tell me.  A The employees started work at 8:00 o'clock so the supervisor was required to start at 7:00 o'clock, start checking in the people.  Q In the first e-mail, Exhibit 38, June 14th of '04 at 6:52 a.m., you indicated that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 7 18 19 20 21 22 23	correct?  A Correct, sir. Q And you never reached out to Miss Sutowski to bring her back to NYU, either rehiring or recalling her, correct? A Correct, sir. Q Am I correct you never had anyone at NYU reach out to Miss Sutowski to bring her back to NYU? A I don't recall that, sir. Q To your knowledge that never happened? A Never happened to my knowledge. Q And if I were to show you, which I will, the organizational chart from June of '06 which postdates your retirement, you don't see Miss Sutowski and Mr. Turner in the chart, right, they are not there?  MR. SHAPIRO: Give him a chance to read that. A I don't see their names there, sir. Q And, of course, Ms. Pineda and Mr. Stephen are still at NYU, they could obviously tell	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Udel DeGazon  documents, both said they got them. You sent these two e-mails, correct, sir? If you didn't, it's your testimony.  A Maybe I sent them, sir.  Q Okay. Looking at these two e-mails, the first one, which is Exhibit number 38, was from June 18th, 2004 at 5:52 a.m. You typically started your day rather early, 6:00 a.m. or 6:30 a.m.?  A 6:30 a.m.  Q It was typical for you to be at work early in the morning and I understand that the check-ins occurred early in the morning, is that right as well, the daily check-ins?  MR. SHAPIRO: Objection to form.  A What time?  Q Well, you tell me.  A The employees started work at 8:00 o'clock so the supervisor was required to start at 7:00 o'clock, start checking in the people.  Q In the first e-mail, Exhibit 38, June 14th of '04 at 6:52 a.m., you indicated that yesterday Mr. Harney had told you that he was now
2 3 4 5 6 7 8 9 10 11 2 13 14 15 6 17 8 9 20 1 22 2	correct?  A Correct, sir. Q And you never reached out to Miss Sutowski to bring her back to NYU, either rehiring or recalling her, correct? A Correct, sir. Q Am I correct you never had anyone at NYU reach out to Miss Sutowski to bring her back to NYU? A I don't recall that, sir. Q To your knowledge that never happened? A Never happened to my knowledge. Q And if I were to show you, which I will, the organizational chart from June of '06 which postdates your retirement, you don't see Miss Sutowski and Mr. Turner in the chart, right, they are not there?  MR. SHAPIRO: Give him a chance to read that. A I don't see their names there, sir. Q And, of course, Ms. Pineda and Mr.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Udel DeGazon  documents, both said they got them. You sent these two e-mails, correct, sir? If you didn't, it's your testimony.  A Maybe I sent them, sir.  Q Okay. Looking at these two e-mails, the first one, which is Exhibit number 38, was from June 18th, 2004 at 5:52 a.m. You typically started your day rather early, 6:00 a.m. or 6:30 a.m.?  A 6:30 a.m.  Q It was typical for you to be at work early in the morning and I understand that the check-ins occurred early in the morning, is that right as well, the daily check-ins?  MR. SHAPIRO: Objection to form.  A What time?  Q Well, you tell me.  A The employees started work at 8:00 o'clock so the supervisor was required to start at 7:00 o'clock, start checking in the people.  Q In the first e-mail, Exhibit 38, June 14th of '04 at 6:52 a.m., you indicated that

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1	Udel DeGazon 126	1	Udel DeGazon 128
2	you found out on June 17th, the day before the e-mail,	2	the integrity of its computer system, is supposed to
3	right, sir?	3	delete people from the system regardless of why they
4	A Right, sir.	4	separate from NYU, correct?
5	Q You were acting Interim Director and	5	A I believe that's the protocol.
6	now you are told now you are the Director, right?	6	Q In fact, in your department you had an
7	A Right, sir.	7	IT person, correct?
8	Q You said in your e-mail that you were	8	A Yes, sir.
9	announcing the promotion of Miss Pineda to Associate	9	Q And his name was?
10	Director, which you've already testified to earlier	10	A Rodrigo Fuentes.
11	today you promoted her, right?	11	Q He's no longer with NYU?
12	A That's correct, sir.	12	A Yes, sir.
13	Q And then in the second e-mail which is	13	Q He's in Florida?
14	Exhibit 39, which is the same day, 3:12 p.m., you then	14	A Yes, sir.
15	announced the promotion of Mr. Stephen to Manager of	15	Q He was at NYU in June of '04, right,
16	Building Services. That was the promotion you decided	16	sir?
17		17 18	A Yes, sir.
18	A That's correct, sir.  Q And these e-mails went to Keith Turner	19	Q And then he resigned? A Yes, sir.
20	and Bozena Sutowski, both of whom had been let go	20	Q He wasn't fired for cause?
21	four days earlier? You see Mr. Turner's name is in	21	A No, sir.
22	the string and Ms. Sutowski?	22	Q And you put Keith Turner's name at the
23	A I saw that, sir.	23	beginning of this string so he would get this e-mail,
24	Q Mr. Turner's name is in the beginning	24	didn't you, sir?
25	of the e-mail string, even though it's alphabetized	25	MR. SHAPIRO: Objection to form.
	Page 127		Page 129
1	Udel DeGazon 127	1	Udel DeGazon 129
2	as to the other employees, you see that as well?	2	A The records show that, sir.
3	A I see his name is at the very	3	Q You also made sure Miss Sutowski got a
4	beginning.	4	copy of it as well?
5	Q When you send e-mails over the years	5	MR. SHAPIRO: Objection to form.
6	that you've been at NYU, I don't want to say you sent	6	A The records show that, sir.
7	e-mails for thirty-eight years, would it be fair to	7	Q After firing Miss Sutowski for cause
8	say you did have a block of names for the e-mail	8	and letting Mr. Turner go, you notified the two of
9	strings so you could push a button and send an	9	them of your promotion, Miss Pineda's promotion and
10	e-mail to everybody in the department without typing	10	Mr. Stephen's promotion; didn't you, sir?
11	all the names, right, sir?	11	MR. SHAPIRO: Objection to form.
12	A Right, sir.	12	Q That's what the record shows, sir?
13	Q And likewise, could add names to that	13	A This record shows that, sir.
14	string if you felt like it?	14 15	Q And you told Mr. Turner four days
	A Von ain	1.15	before this that the manager's job was eliminated and
15	A Yes, sir.	Ī	
16	Q Or add names or delete names from the	16	then four days later there's a brand-new manager at
16 17	Q Or add names or delete names from the string?	16 17	then four days later there's a brand-new manager at NYU, Mr. Stephen. Isn't that what the record shows?
16 17 18	Q Or add names or delete names from the string? A Indeed, sir.	16 17 18	then four days later there's a brand-new manager at NYU, Mr. Stephen. Isn't that what the record shows?  MR. SHAPIRO: Objection to form.
16 17 18 19	Q Or add names or delete names from the string?  A Indeed, sir. Q Would you also agree with me, Mr.	16 17 18 19	then four days later there's a brand-new manager at NYU, Mr. Stephen. Isn't that what the record shows?  MR. SHAPIRO: Objection to form.  A Yes, sir.
16 17 18 19 20	Q Or add names or delete names from the string?  A Indeed, sir. Q Would you also agree with me, Mr. DeGazon, that after an employee separates from NYU	16 17 18 19 20	then four days later there's a brand-new manager at NYU, Mr. Stephen. Isn't that what the record shows?  MR. SHAPIRO: Objection to form.  A Yes, sir.  Q You didn't wake up on June 18th, 2004
16 17 18 19 20 21	Q Or add names or delete names from the string?  A Indeed, sir. Q Would you also agree with me, Mr. DeGazon, that after an employee separates from NYU they are supposed to be taken out of the NYU e-mail	16 17 18 19	then four days later there's a brand-new manager at NYU, Mr. Stephen. Isn't that what the record shows?  MR. SHAPIRO: Objection to form.  A Yes, sir.  Q You didn't wake up on June 18th, 2004 and decide, I want Mr. Stephen for manager. That was
16 17 18 19 20 21 22	Q Or add names or delete names from the string? A Indeed, sir. Q Would you also agree with me, Mr. DeGazon, that after an employee separates from NYU they are supposed to be taken out of the NYU e-mail system to avoid access after they are no longer with	16 17 18 19 20 21 22	then four days later there's a brand-new manager at NYU, Mr. Stephen. Isn't that what the record shows?  MR. SHAPIRO: Objection to form.  A Yes, sir.  Q You didn't wake up on June 18th, 2004 and decide, I want Mr. Stephen for manager. That was something you wanted to do earlier and you were able
16 17 18 19 20 21	Q Or add names or delete names from the string?  A Indeed, sir. Q Would you also agree with me, Mr. DeGazon, that after an employee separates from NYU they are supposed to be taken out of the NYU e-mail	16 17 18 19 20 21	then four days later there's a brand-new manager at NYU, Mr. Stephen. Isn't that what the record shows?  MR. SHAPIRO: Objection to form.  A Yes, sir.  Q You didn't wake up on June 18th, 2004 and decide, I want Mr. Stephen for manager. That was

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	Page 130		Page 132
1	Udel DeGazon 130	1	Udel DeGazon 132
2	A It's speculation.	2	the two salaries?
3	Q The decision to promote Mr. Stephen was	3	A Right, sir.
4	one that you had to think about it, sir?	4	Q At an entity with thousands of
5	A That's correct.	5	employees?
6	Q Mr. Stephen testified you talked to him	6	A Yes, sir.
7	about the idea of moving up the ladder?	7	MR. SHAPIRO: Objection to form.
8	MR. SHAPIRO: Objection to form.	8	Q At a time when you've already had
9	A If you say so, sir.	9	memos going with the compensation analyst resulting
10	Q Did he want to be promoted to manager?	10	in raises for Miss Pineda and Mr. Trujillo, correct?
11	A I would assume that.	11	MR. SHAPIRO: Objection to form.
12	Q From knowing him socially and as an	1.2	A The record shows that, sir.
13	employee, was it your understanding that he wanted to	1.3	Q Basically what I'm saying to you, sir,
14	be promoted?	14	you've got memos in which people are getting raises,
15	MR. SHAPIRO: Objection to form.	15	Pineda and Trujillo, with thousands of dollars going
16	A I mean, he never expressed it to me.	16	up and a tiny little decrease when you replaced Mr.
17	Q Was he receptive to the promotion?	17	Turner with Mr. Stephen, a \$13,000 spread, is that
18	A Yes, sir.	18	right?
19	Q And the promotion gave him a raise, I	19	MR. SHAPIRO: Objection to form.
21	believe, of \$7,000 or so, right?	20	A The numbers show that, sir.
22	A If the record shows that, sir.  Q Okay. I will show you those records.	21	Q So Mr. Stephen was fortunate enough to
23	Would you agree with me that Mr. Turner and Miss	22	get this \$7,000 raise in June of '04 and six months
24	Sutowski were not happy to lose their jobs at NYU,	24	later got another raise to \$49,000 and change in Exhibit 41, his annual merit increase?
25		25	(Document handed.)
	Page 131		Page 133
1	Udel DeGazon 131	1	Udel DeGazon 133
2	jobs were ending?	2	Q Is that right, sir? And you signed
3	A That's right, sir.	3	off on that exhibit too?
4	Q They didn't give you a high five, that	4	A Merit increase, sir.
5 6	they were happy?	5	Q Right. So, Mr. DeGazon, when you let
1	MR. SHAPIRO: Objection to form.	6	Mr. Turner go and supposedly eliminated his position
7	A No, sir.	7	there, really was no dollar savings because Mr.
8	Q Now, if I show you the Confidential  Personnel Profile for Mr. Stephen, Exhibits 40 and 41	8	Stephen was a manager four days later making only
10	Personnel Profile for Mr. Stephen, Exhibits 40 and 41, Mr. Stephen's promotion is reflected in Exhibit 40	9	a few dollars less, and other people in the department were getting raises anyway, right, sir;
11	showing him going from supervisor to manager and	11	is that what the record shows?
12	getting a \$7,000 raise to 47,600. Can you look at	12	A Mr. Stephen replaced Miss Sutowski.
13	Exhibit 40 and see if that information is reflected	13	Q That's your testimony?
14	on there?	14	A That's correct.
15	(Documents handed.)	15	MR. SHAPIRO: What do you want, not his
16	A It does, sir.	16	testimony? Everything is his testimony.
17	Q Did you sign off on that document?	17	MR. GOLDBERG: I would like the truth.
18	A Yes, sir.	18	MR. SHAPIRO: The truth has not come
19	Q So you let go Mr. Turner, who was	19	out of your mouth.
20	making \$60,000, right, according to his file?	20	Q There really wasn't a dollar savings
21	A Yes, sir.	21	with these changes you made?
22	Q And promoted Mr. Stephen and now he's	22	MR. SHAPIRO: Objection to form.
23	making 47,600 in the manager's slot, right, sir?	23	A Yes, sir.
24	A Right, sir.	24	Q If there was a dollar savings, Mr.
25	Q There's a \$13,000 difference between	25	DeGazon, at an entity the size of NYU, the savings

34 (Pages 130 to 133)

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1	Udel DeGazon 142	1	Udel DeGazon 144
2	and answered.	2	MR. SHAPIRO: Objection to form.
3	A That's mine.	3	A I don't recall.
4	Q And Exhibit number 67, are these notes	4	Q Let me show it to you, sir, the
5	that you prepared on October 28th of 2003?	5	evaluation that you're talking about.
6	A That's mine.	6	MR. SHAPIRO: How do you know that
7	Q And these are notes from a meeting you	7	that's the evaluation that he's talking
8	had with Miss Sutowski and Miss Pineda in October of 2003?	8 9	about? Why don't you ask him rather than
10		10	telling him?
11	A According to that.  MR. SHAPIRO: Objection to form.	11	MR. GOLDBERG: Let me do the dep, Peter. If you want to ask him I will stay
12		12	
13	Q According to that. Were your notes true and accurate?	13	as late as you want.
14		14	MR. SHAPIRO: I don't want you to tell
1	A Yes, sir, if my handwriting is there.	i .	him things that he hasn't testified to.
15	Q Okay. Let me show you now Exhibit	15	Q Look at Exhibit number 9. This
16	number 80. This is an e-mail that Mr. Turner sent	16	document, Ms. Pineda signed it August 3rd of 2004. Is
17	and you are listed as a cc. Do you believe you	17	this the evaluation that you're saying was the basis
18	received that since you are listed on it as a cc?	18	for you not assigning Mr. Turner to Miss Sutowski's
19	(Document handed.)	19	position on June 14th of 2004?
20	A I may have, sir.	20	MR. SHAPIRO: Objection to form.
21	MR. GOLDBERG: I need about a	21	A That, and in addition, information
22	ten minute break just to see what I've got	22	from Miss Pineda his performance was unacceptable.
23	left. I'm certainly in the home stretch.	23	Q Would you agree with me you didn't
24	(At this time a brief recess was	24	have this evaluation in front of you on June 14th of
25	taken.)	25	2004, you didn't have this until August of '04?
		E	
	Page 143		Page 145
1	Udel DeGazon 143	1	Page 145 Udel DeGazon 145
1 2		1 2	
ł	Udel DeGazon 143	i .	Udel DeGazon 145 A That's correct, sir.
2	Udel DeGazon 143 MR. GOLDBERG: Let's mark one more document as an exhibit and that would be	2	Udel DeGazon 145 A That's correct, sir.
2 3	Udel DeGazon 143 MR. GOLDBERG: Let's mark one more	2	Udel DeGazon 145  A That's correct, sir.  Q In addition, the evaluation that you
2 3 4	Udel DeGazon 143 MR. GOLDBERG: Let's mark one more document as an exhibit and that would be Exhibit number 96, Bates numbers N0338 to	2 3 4	Udel DeGazon 145  A That's correct, sir.  Q In addition, the evaluation that you did have on Mr. Turner that was in writing was the
2 3 4 5	Udel DeGazon 143 MR. GOLDBERG: Let's mark one more document as an exhibit and that would be Exhibit number 96, Bates numbers N0338 to N0339.	2 3 4 5	Udel DeGazon 145  A That's correct, sir.  Q In addition, the evaluation that you did have on Mr. Turner that was in writing was the 2003 evaluation that says "meets requirements". That was the annual evaluation that existed as of the
2 3 4 5 6	Udel DeGazon 143 MR. GOLDBERG: Let's mark one more document as an exhibit and that would be Exhibit number 96, Bates numbers N0338 to N0339.  (At this time the above referred to	2 3 4 5 6	Udel DeGazon 145  A That's correct, sir. Q In addition, the evaluation that you did have on Mr. Turner that was in writing was the 2003 evaluation that says "meets requirements". That
2 3 4 5 6 7	Udel DeGazon 143 MR. GOLDBERG: Let's mark one more document as an exhibit and that would be Exhibit number 96, Bates numbers N0338 to N0339.  (At this time the above referred to documents were marked as Plaintiff's Exhibit	2 3 4 5 6 7	Udel DeGazon  A That's correct, sir.  Q In addition, the evaluation that you did have on Mr. Turner that was in writing was the 2003 evaluation that says "meets requirements". That was the annual evaluation that existed as of the date of Mr. Turner's separation. He had not received
2 3 4 5 6 7 8	Udel DeGazon 143 MR. GOLDBERG: Let's mark one more document as an exhibit and that would be Exhibit number 96, Bates numbers N0338 to N0339.  (At this time the above referred to documents were marked as Plaintiff's Exhibit 96 for identification, as of this date.)	2 3 4 5 6 7 8	Udel DeGazon  A That's correct, sir.  Q In addition, the evaluation that you did have on Mr. Turner that was in writing was the 2003 evaluation that says "meets requirements". That was the annual evaluation that existed as of the date of Mr. Turner's separation. He had not received an annual evaluation in '04, isn't that correct,
2 3 4 5 6 7 8 9	Udel DeGazon  MR. GOLDBERG: Let's mark one more document as an exhibit and that would be Exhibit number 96, Bates numbers N0338 to N0339.  (At this time the above referred to documents were marked as Plaintiff's Exhibit 96 for identification, as of this date.)  Q Having gone through many hours with me	2 3 4 5 6 7 8 9	Udel DeGazon  A That's correct, sir.  Q In addition, the evaluation that you did have on Mr. Turner that was in writing was the 2003 evaluation that says "meets requirements". That was the annual evaluation that existed as of the date of Mr. Turner's separation. He had not received an annual evaluation in '04, isn't that correct, sir?
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37 (Pages 142 to 145)

	Page 146		Page 148
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1	Udel DeGazon 146	1	Udel DeGazon 148
2	A That's correct, sir.	2	in this deposition to say to me, on this date
3	Q It's understandable that there wasn't	3	Miss Pineda said this to me and this is why I didn't
4	an annual evaluation in '04 because September hadn't	4	place Mr. Turner in Miss Sutowski's position, is
5	rolled around as of the date he was let go, right?	5	that right?
6	A Correct, sir.	6	MR. SHAPIRO: Objection to form.
7	Q The only evaluation that you would	7	A That's correct, sir.
8	have had available to you of Mr. Turner was Exhibit	8	Q And Miss Pineda's comments about Mr.
9	number 4, right?	9	Turner were her subjective opinion about Mr. Turner,
10	A Annual evaluation, sir, yes, that is	10	correct?
11	correct.	11	MR. SHAPIRO: Objection to form.
12	Q And that is what the handbook provides	1.2	A She was his superior.
13	for annual performance evaluations, Exhibit number 6,	13	Q Correct. She was his superior who gave
14	correct?	14	him a "meets requirements" in '03, correct?
15	MR. SHAPIRO: Objection to form.	15	MR. SHAPIRO: Objection to form.
16	A As stated in the book, so be it, sir.	16	A In '03, sir.
17	Q Fine. So you're saying Miss Pineda	17	Q That's right. And the handbook, when
18	said things to you that made you decide not to place	18	it talks about evaluations of performance, to my
19	Mr. Turner in Miss Sutowski's position?	19	reading of it, on page number 11 says, that NYU and
20	MR. SHAPIRO: Objection to form.	20	I will quote "appraised each employee on the job
21	A She was apprising me of the	21	performance annually," right?
22	performance.	22	MR. SHAPIRO: He's got to look at it
23	Q What did she say to you and what did	23	if you're going to ask him questions about
24 25	you say to her?	24 25	it.  O Isn't that what it says in the staff
23	A I don't remember exactly what she said	25	Q Isn't that what it says in the staff
1	·	1	
	Page 147		Page 149
1	Udel DeGazon 147	1	Udel DeGazon 149
2	Udel DeGazon 147 and when she said it. The general thesis was that	1 2	Udel DeGazon 149 handbook on page 8?
1	Udel DeGazon 147 and when she said it. The general thesis was that they were not performing up to standard and she had	1	Udel DeGazon 149 handbook on page 8? (Document handed.)
2	Udel DeGazon 147 and when she said it. The general thesis was that they were not performing up to standard and she had specific issues with their performance.	2	Udel DeGazon 149 handbook on page 8? (Document handed.) A It says so there, sir.
2 3 4 5	Udel DeGazon 147 and when she said it. The general thesis was that they were not performing up to standard and she had specific issues with their performance.  Q And again, Mr. DeGazon, you didn't	2 3	Udel DeGazon 149 handbook on page 8? (Document handed.) A It says so there, sir. Q And when you decided not to place
2 3 4 5 6	Udel DeGazon 147 and when she said it. The general thesis was that they were not performing up to standard and she had specific issues with their performance.  Q And again, Mr. DeGazon, you didn't prepare any document explaining your decision not to	2 3 4 5 6	Udel DeGazon 149 handbook on page 8? (Document handed.) A It says so there, sir. Q And when you decided not to place Mr. Turner in Miss Sutowski's position, am I correct
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